

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAUL SANTELLANO,  
Plaintiff,  
v.  
OFFICER TROY JOHNSEN,  
Defendant.

No. C 13-4551 NC (PR)

**SECOND ORDER OF SERVICE;  
DIRECTIONS TO CLERK**

On October 2, 2013, Plaintiff, a California prisoner then incarcerated at the Santa Clara County Jail and proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has since informed the Court that he has been released from jail and is residing in San Jose, California. Plaintiff has been granted leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915, in a separate order.

In its order filed December 6, 2013, the Court found that Plaintiff's amended complaint stated cognizable claims for excessive force and deliberate indifference to serious medical needs against Defendant Santa Clara Police Officer Troy Johnsen, and ordered the Clerk of the Court to send the amended complaint and a request for waiver of service to Officer Johnsen.

Although the Santa Clara Police Department issued a return receipt dated December 16, 2013 (docket no. 9), Officer Johnsen has not yet returned a waiver of service and has not otherwise appeared in this matter. It therefore appears that Defendant Officer Johnsen

1 remains unserved. Because Plaintiff is proceeding in forma pauperis, he is entitled to service  
2 by the United States Marshal. Fed. Rule Civ. P. 4(c)(3).

3 Good cause appearing therefor, the Court directs the Clerk to issue a summons and the  
4 United States Marshal to serve, without prepayment of fees: (1) the summons; (2) a copy of  
5 the complaint, the amended complaint and all attachments thereto (docket nos. 1, 6); (3) a  
6 copy of the Court's December 6, 2013 order of service (docket no. 8); (4) a copy of this  
7 order; and (5) a Magistrate Judge jurisdiction consent form upon **Officer Troy Johnsen** at  
8 the **Santa Clara Police Department**. The Clerk is further directed to mail a courtesy copy  
9 of the complaint, amended complaint, the Court's December 6, 2013 order, and this order to  
10 the Santa Clara City Attorney's Office. Additionally, the Clerk must mail a copy of this  
11 order to Plaintiff.

12 Defendant shall file a motion for summary judgment or other dispositive motion with  
13 respect to the claims found to be cognizable in the amended complaint. The Court now sets  
14 the following new briefing schedule for dispositive motions, which extends the deadlines so  
15 that there will be time afforded to serve Defendant:

16 1. Defendant must file and serve his dispositive motion no later than **May 14,**  
17 **2014.**

18 2. Plaintiff must file and serve on defense counsel his opposition to the  
19 dispositive motion no later than **June 11, 2014.**

20 3. Defendant must file and serve his reply brief no later than **June 25, 2014.**

21 Apart from the schedule, briefing must proceed in accordance with the instructions set  
22 forth in the Court's December 6, 2013 order.

23  
24 IT IS SO ORDERED.

25 DATED: February 12, 2014

26   
27 NATHANAEL M. COUSINS  
28 United States Magistrate